

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE APRIL 26, 2011

AMENDED IN SENATE APRIL 5, 2011

**SENATE BILL**

**No. 470**

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**Introduced by Senator Evans**

February 17, 2011

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An act to amend ~~Section~~ *Sections 7861, 7861.1, and 7863* of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Evans. Commercial fishing: salmon stamp.

(1) Existing law prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. However, existing law prohibits the total fees, as adjusted, from exceeding \$260. Under existing law, fee revenues are deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund, and the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs in the state that will serve to increase ocean salmon landings. *Existing law prohibits administrative overhead costs charged to the account from exceeding 3.3% of the annually expenditures from the account.* These provisions of existing law are repealed as of January 1, 2012.

*This bill would delete the continuous appropriation, and, instead, make the money in the account available to the department upon appropriation by the Legislature. The bill would require the department to post on its Internet Web site certain information regarding projects funded by the account. The bill would prohibit the expenditure of more than 15% of the funds expended for those programs for administration. The bill would extend the operation of these provisions until January 1, 2014.*

~~This bill would extend the operation of these provisions until January 1, 2014. Because the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs, this bill, by extending the operation of these provisions, would make an appropriation.~~

(2) Existing law generally makes a violation of fish and game laws a crime.

Because this bill would extend operation of the commercial salmon fishing program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program by creating new crimes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~-no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7861 of the Fish and Game Code is  
2     amended to read:

3     7861. (a) After deducting the administrative costs for issuing  
4     the commercial fishing salmon stamps, the department shall deposit  
5     the fees received pursuant to subdivision (b) of Section 7852.3  
6     and Section 7860 in the Commercial Salmon Stamp Account in

1 the Fish and Game Preservation Fund. ~~Notwithstanding Section~~  
2 ~~13340 of the Government Code, the money in the account is~~  
3 ~~continuously appropriated~~ *The money in the account shall be*  
4 *available to the department, upon appropriation by the Legislature,*  
5 *for new or expanded salmon restoration and enhancement programs*  
6 *in the state that will serve to increase ocean salmon landings. No*  
7 *money in this account shall be used in lieu of other funds*  
8 *appropriated for salmon restoration and enhancement programs*  
9 *authorized by law on or before January 1, 1988.*

10 (b) (1) Thirty dollars (\$30) of the fees collected for each  
11 commercial fishing salmon stamp issued shall be allocated by the  
12 department to be used for raising chinook salmon to a yearling  
13 size, at which size they shall be released into state waters. The  
14 amount of salmon stamp revenues expended for this purpose in  
15 any fiscal year shall not exceed the amount expended by the  
16 department for the same purpose during the same period from  
17 other funds. The calculation of the amount expended by the  
18 department for this purpose shall not include expenditures made  
19 by the department for which reimbursements are received from  
20 state or federal agencies, public utilities, or private entities for  
21 raising chinook salmon to yearling size as part of a fish mitigation  
22 program instituted to compensate for the adverse effect of a dam  
23 on natural salmon production. If the department expends no funds  
24 other than moneys collected from the sale of commercial fishing  
25 salmon stamps or moneys for which reimbursements are received  
26 as part of an anadromous fish mitigation program for the raising  
27 of chinook salmon to yearling size within the period of a fiscal  
28 year, the fees prescribed in Section 7860 shall be reduced by an  
29 amount equivalent to that portion of the commercial fishing salmon  
30 stamp program, as specified in this subdivision.

31 If

32 (2) *If the salmon stamps issued pursuant to Section 7860 raise*  
33 *more money for the purpose of this subdivision than is necessary*  
34 *to match the funds expended by the department during any fiscal*  
35 *year from other funds, then the excess salmon stamp revenue*  
36 *allocated pursuant to this subdivision shall be carried over into the*  
37 *following fiscal year.*

38 (c) *The department shall post on its Internet Web site an*  
39 *accounting of the projects undertaken with funds from the*  
40 *Commercial Salmon Stamp Account and the costs incurred to*

1 *administer the program. At a minimum, the Internet Web site shall*  
2 *list the project title, the applicant, a brief description of the project,*  
3 *the amount approved, and the status of the project.*

4 *SEC. 2. Section 7861.1 of the Fish and Game Code is amended*  
5 *to read:*

6 ~~7861.1. The Commercial Salmon Stamp Account in the Fish~~  
7 ~~and Game Preservation Fund shall not be charged administrative~~  
8 ~~overhead costs exceeding 3.3 percent of the annual expenditures~~  
9 ~~from the account. Not more than 15 percent of the funds expended~~  
10 ~~pursuant to Section 7861 may be used to pay the costs incurred in~~  
11 ~~the administration of the program. Interest derived from the~~  
12 ~~account Commercial Salmon Stamp Account shall be deposited in~~  
13 ~~the Fish and Game Preservation Fund to help defray ongoing~~  
14 ~~operational costs of the department.~~

15 ~~SECTION 1.~~

16 *SEC. 3. Section 7863 of the Fish and Game Code is amended*  
17 *to read:*

18 *7863. This article shall remain in effect only until January 1,*  
19 *2014, and as of that date is repealed, unless a later enacted statute*  
20 *that is enacted before January 1, 2014, deletes or extends that date.*

21 ~~SEC. 2.~~

22 *SEC. 4. No reimbursement is required by this act pursuant to*  
23 *Section 6 of Article XIII B of the California Constitution because*  
24 *the only costs that may be incurred by a local agency or school*  
25 *district will be incurred because this act creates a new crime or*  
26 *infraction, eliminates a crime or infraction, or changes the penalty*  
27 *for a crime or infraction, within the meaning of Section 17556 of*  
28 *the Government Code, or changes the definition of a crime within*  
29 *the meaning of Section 6 of Article XIII B of the California*  
30 *Constitution.*